

CHAPTER 17

HISTORIC PRESERVATION CODE

17-1-1 PURPOSE. The purpose of this Chapter is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City by:

(A) Providing a mechanism to identify and preserve the historic and architectural characteristics of the City which represents elements of the City's cultural, social, economic, political and architectural history;

(B) To promote civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts;

(C) Stabilizing and improving the economic vitality and value of the City's landmarks and historic areas;

(D) Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City;

(E) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

17-1-2 COMPOSITION OF HISTORIC PRESERVATION COMMISSION. The Historic Preservation Commission shall consist of **nine (9)** voting members appointed by the Mayor and approved by the City Council. Residency within the City is not a requirement for membership. **(Ord. No. 06-07; 04-11-06)**

17-1-3 QUALIFICATIONS. The members shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction or engineering, finance, historical or architectural preservation, neighborhood organization, or real estate.

17-1-4 TERMS. Members of the Commission shall be appointed for terms of **three (3) years**. Of those members first taking office, **three (3)** shall be appointed for **one (1) year**, **three (3)** for **two (2) years**, and **three (3)** for **three (3) years**. No members shall serve more than **two (2)** successive **three (3) year** terms. Alternate members shall be appointed to serve in the absence or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation. **(Ord. No. 06-07; 04-11-06)**

17-1-5 OFFICERS. Officers shall consist of a Chairman, Vice-Chairman, and a Secretary elected by the Preservation Commission who shall serve a term of **one (1) year** and shall be eligible for re-election, but no members shall serve as an officer for more than **two (2)** consecutive years. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both are absent, a temporary Chairman shall be elected by those present. The Secretary to the Preservation Commission shall have the following duties:

- (A) Take minutes of each Preservation Commission meeting;
- (B) Be responsible for publication and distribution of copies of the minutes, reports and decisions of the Preservation Commission to the members of the Preservation Commission;
- (C) Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
- (D) Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
- (E) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring Council consideration.

17-1-6 MEETINGS. A quorum shall consist of a majority of the then appointed members. All decisions or actions of the Historic Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of **four (4) meetings** per year. **(Ord. No. 06-07; 04-11-06)**

17-1-7 POWERS AND DUTIES.

- (A) To adopt its own procedural regulations.
- (B) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas.
- (C) To investigate and recommend to the City Council to adopt procedures to protect properties or structures having special historic, community, or architectural value.
- (D) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of properties or structures which have special historic, community, or architectural value.
- (E) To advise property owners on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places.

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(F) To inform and educate the citizens of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

(G) To accept and administer on behalf of the City, upon designation by the City, such gifts, grants and money as may be appropriate for the purpose of this Code.

(H) To call upon available City staff members as well as other experts for technical advice.

(I) To testify before all boards and commissions, including the City Planning and Zoning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant properties.

(J) To periodically review the Zoning Code and to recommend to the City Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of historically or architecturally significant properties.

17-1-8 SURVEYS AND RESEARCH. The Historic Preservation Commission shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Historic Preservation Commission shall identify significant structures based upon the following criteria:

(A) Architecturally or historically significant properties in one identifiable neighborhood or district geographical area of the City.

(B) Association with a particular person, event, or historical period.

(C) Representation of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman.

(D) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey of all significant properties within the City.

17-1-9 CRITERIA AND PROCEDURES FOR LANDMARK AND HISTORIC DISTRICT DESIGNATION, AND FEES AND PENALTIES.

(A) Criteria for Landmark Designation.

(1) Nominations shall be made to the Historic Preservation Commission on a form provided by the Historic Preservation Commission. A filing fee may be required.

(2) The Historic Preservation Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area

possesses the integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

- (a) Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;
- (b) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county;
- (c) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, method of construction or use of indigenous materials;
- (d) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or county;
- (e) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
- (f) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- (g) Area that has yielded or may be likely to yield, information important in history or prehistory. A preliminary determination as to whether a property, structure, or area meets one or more of the foregoing criteria shall be made within **fifteen (15) days** of filing of a nomination with the Historic Preservation Commission.

(B) **Landmark Designation Procedures.**

- (1) The Historic Preservation Commission shall schedule a public hearing within **sixty (60) days** after the filing of an application to the Code Enforcement Office.
 - (a) Any person, group of persons or association, including, but not limited to the Historic Preservation Commission, may request a Historic Landmark designation for any structure, building or site within the boundaries of the City which may have historic or architectural significance as defined by the Code.

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The Code Enforcement Office shall supply, upon request, the application forms. Completed forms shall be submitted to the Code Enforcement Office which shall be forwarded to the Historic Preservation Commission for their consideration.

- (b) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners within **two hundred fifty (250) feet**, not less than **fifteen (15)** nor more than **thirty (30) days** prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in **Section 17-1-9(A)(2)**.
 - (c) Upon receipt of the application, the Secretary of the Historic Preservation Commission shall schedule a public hearing, to be held within **forty-five (45) days** after preliminary approval of application.
 - (d) During the public hearing, the Historic Preservation Commission shall review and evaluate the application according to the criteria established by Code.
 - (e) If the Historic Preservation Commission finds at the time that the application merits further consideration, the the Historic Preservation Commission may table the request until its next regularly scheduled meeting.
 - (f) A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form is presented to the Historic Preservation Commission until the final disposition of the request.
- (2) A decision shall be made within **thirty (30) days** following the date of the closing of the public hearing.
- (a) Following the public hearing, the Secretary of the Historic Preservation Commission shall prepare the

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Commission's evaluation, recommendation and all available information for submission to the City Council within **thirty (30) days**.

- (b) If the Historic Preservation Commission decides that the landmark should be designated, it shall do so by a resolution passed by a majority of the Commission.
- (c) The owner(s) of record shall be notified promptly by a letter containing information of the Historic Preservation Commission's decision.
- (d) A majority vote by the City Council is necessary for approval of a landmark designation. If the City Council is necessary for approval of a landmark designation, a notice will be sent to the property owner, the Code Enforcement Office, the City Clerk's office, and recorded with the County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can file for **ninety (90) days** to the Secretary of the Historic Preservation Commission on the same property.
- (e) Buildings designated as Historic Landmarks shall be subject to issuance of Certificates of Appropriateness.

(C)

Criteria for Historic Designation.

- (1) Nominations shall be made to the Historic Preservation Commission on a form provided by the Historic Preservation Commission. A filing fee may be required.
- (2) The following criteria shall be utilized by the Historic Preservation Commission in determining the designation of Historic Districts:
 - (a) The Historic District contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;
 - (b) A significant number of structures meeting any of the standards of **Section 17-1-9(A)(2)**;
 - (c) Establishing a sense of time and place unique to the City, and/or;
 - (d) Exemplifying or reflecting the cultural, social, economic, political or architectural history of the national, the state or the City.

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- (3) A preliminary determination as to whether a district or an area meets one or more of the foregoing criteria shall be made within **sixty (60) days** of the filing of a nomination with the Commission.

(D) **Historic District Designation Procedure.**

- (1)
- (a) Any person, group of persons, or association, including but not limited to the Historic Preservation Commission, may present to the Historic Preservation Commission a petition requesting that a defined geographic area be designated as an Historic District. The Code Enforcement Office shall supply, upon request, the application forms. Completed forms shall be submitted to the Code Enforcement Office which shall forward them to the Historic Preservation Commission for their consideration.
 - (b) The petition shall contain the names of no less than **fifty-one percent (51%)** of the property owners. Or, if lease holders, with a **five (5) year** or longer leasehold, are signatories to the petition then the petition shall contain no less than **fifty-one percent (51%)** of the property owners and/or leaseholders.
 - (c) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than **fifteen (15)** nor more than **thirty (30) days** prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in **Section 17-1-9(C)(2)**.
 - (d) Upon receipt of the application, the Secretary of the Historic Preservation Commission shall schedule a public hearing to be held within **thirty (30) days** from after preliminary approval of application.
 - (e) During the public hearing the Historic Preservation Commission shall review and evaluate the application according to the criteria established by Code.
 - (f) If the Historic Preservation Commission finds at the time that the application merits further consideration,

then the Commission may table the request until its next regular scheduled meeting.

- (2) A decision shall be made within **thirty (30) days** following the date of the closing of the public hearing.
 - (a) Following the public hearing, the Secretary of the Historic Preservation Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the City Council within **thirty (30) days**.
 - (b) If the Historic Preservation Commission decides that the proposed historic district shall be designated, it shall do so by a resolution passed by a majority of the Commission.
 - (c) The owner(s) of record shall be notified promptly by a letter containing information of the Historic Preservation Commission's decision.
 - (d) A majority vote by the City Council is necessary for approval of a historic preservation designation. If the City Council approves the application for designation, a notice will be sent to the property owner, the Code Enforcement Office, the City Clerk's office and recorded with the County Recorder of Deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner can file for **ninety (90) days** to the Secretary of the Historic Preservation Commission on the same property.

(E) **Applications for Nominations of Landmarks and Historic Districts.** Any person, group of persons or association, may apply to the Historic Preservation Commission for the designation of a Landmark or Historic District. Applications for a nomination shall be filed at the Code Enforcement Office. Persons wishing guidance or advice prior to completing an application may contact the Staff of the Code Enforcement Office. At a minimum, the application shall include the following:

- (1) **For a Landmark.**
 - (a) The name and address of the property owner.
 - (b) The legal description and common street address of the property.
 - (c) A written statement describing the property and setting forth reasons in support of the proposed designation.

- (d) Documentation that the property owner has been notified or consents to the application for designation.
- (e) A list of significant exterior architectural features that should be protected.
- (f) An overall site plan and photographs of the landmark. The plan shall also include a front, side and rear elevation drawing.

(2) **For a Historic District.**

- (a) The names and addresses of the property owners.
- (b) A map delineating the boundaries of the area to be designated.
- (c) A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- (d) A list and photographs of significant exterior architectural features of all properties in the district that should be protected.

(F) **Certificate of Appropriateness.**

- (1) A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before a building permit, moving or building permit or demolition permit issued for any designated historic landmark or any building, structure or site or part thereof in the historic district. It is required if the building, structure, or site will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:
 - (a) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
 - (b) Any new construction and demolition in whole or in part requiring a permit from the City;
 - (c) Moving a building;
 - (d) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.
- (2) An exception to the Certificate of Appropriateness shall be made if the applicant show to the Historic Preservation Commission that a failure to grant the permit will cause an imminent threat to life, health or property.

(G) **Application for Certificate of Appropriateness.** Every application for a demolition permit or a building permit, including plans and specifications shall be forwarded by the Code Enforcement Office to the Historic Preservation Commission within **fifteen (15) days** following receipt of the application by the Code Enforcement Office. The application for issuance of a Certificate of Appropriateness must include:

- (1) Street address of the property involved.
- (2) Legal description of the property involved.
- (3) Brief description of the present improvements situated on the property.
- (4) A detailed description of the construction, alteration, demolition or use proposed together with any architect drawings or sketches if those services have been utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what final appearance and use of the real estate will be.
- (5) Owner's name.
- (6) Developer's name, if different than owner.
- (7) Architect's name.
- (8) A filing fee is required.

(H) **Standards for Certificate of Appropriateness.** In making a determination whether to approve or deny any application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the **Secretary of the Interior's "Standards for Rehabilitation"**, as follows:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration required replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatment, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(I) **Design Guidelines.** Design guidelines for applying the criteria for review of Certificate of Appropriateness shall at a minimum, consider the following architectural criteria:

- (1) **Height.** The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
- (2) **Proportions of Windows and Doors.** The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.
- (3) **Relationship of Building Masses and Spaces.** The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
- (4) **Roof Shape.** The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.

- (5) **Landscaping.** Landscaping should be compatible with the architectural character and appearance of the landmark.
- (6) **Scale.** The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
- (7) **Directional Expression.** Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (8) **Architectural Details.** Architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.
- (9) New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

(J)

Hearing on Application.

- (1) Applications for a Certificate of Appropriateness are available from the Code Enforcement Office. Such applications shall be completed and submitted to the Code Enforcement Office which shall be forwarded to the Historic Preservation Commission. The Historic Preservation Commission shall schedule a public meeting for consideration of the application within **fifteen (15) days** of receipt of application. A public notice for consideration of the application shall be made not less than **fifteen (15) days** nor more than **thirty (30) days** before the hearing, in a newspaper of general circulation published in the City.
- (2) If the Historic Preservation Commission finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(K)

Issuance of a Certificate of Appropriateness. The Historic Preservation Commission shall notify the applications of their decision within **five (5) days** after the public meeting. Upon approval of the application, the Commission shall direct the Code Enforcement Office to issue signed Certificate of Appropriateness to the applicant with copies on file in the Code Enforcement Office.

A Certificate of Appropriateness shall be invalid if changes in the plans reviewed by the Historic Preservation Commission are necessary in obtaining a building permit or

if the building permit issued for the same work becomes invalid. The Certificate of Appropriateness remains valid for the same period of validity as the building permit.

(L) **Appeals for Denial of a Certificate of Appropriateness.** In the event of denial of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall notify the applicant in writing of the disapproval and the reasons therefore and shall recommend changes, if any, in the proposed action that would cause the Historic Preservation Commission to reconsider its denial.

Within **fifteen (15) days** of receipt of the notification of disapproval, the applicant may resubmit an amended application that takes into consideration the recommendations of the Historic Preservation Commission. The application shall be considered to be withdrawn if no written modification on request for public hearing is received. Within **fifteen (15) days** of receipt of a written modification the Historic Preservation Commission must either issue the Certificate of Appropriateness or hold a hearing.

(M) **Findings on Appeal.** The Historic Preservation Commission shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the applicant by mailing notice of the hearing, said mailing to be made at least **ten (10) days** prior to the date of the hearing.

Notice of the time and place of such public hearing shall be published at least once, not less than **fifteen (15) days** nor more than **thirty (30) days** before the hearing, in a newspaper of general circulation published in the City.

The Chairperson of the Historic Preservation Commission shall conduct the hearing. The Historic Preservation Commission and the applicant shall have the right to introduce exhibits at the hearing.

The Historic Preservation Commission shall vote, announce its decision, make its recommendation, and notify the Code Enforcement Office and the applicant within **five (5) days** after the conclusion of the public hearing, unless the time is extended by mutual agreement between the Commission and the applicant.

In the event of a denial of appeal by the Historic Preservation Commission, the applicant may appeal the decision to the City Council, whose decision in this matter shall be final subject only to judicial review as provided by law.

(N) **Certificate of Economic Hardship.** Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

- (1) Applicants claiming economic hardship shall be required to apply to the Code Enforcement Office to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Historic Preservation Commission in making its decision.
- (2) An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to

assist the Commission in making its determination on the application:

- (a) The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
 - (b) The assessed value of the land and improvements thereon according to the two most recent assessments.
 - (c) Real estate taxes for the previous **two (2) years**.
 - (d) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous **two (2) years**.
 - (e) All appraisals obtained within the previous **two (2) years** by the owner or applicant in connection with this purchase, financing or ownership of the property.
 - (f) Any listing of the property for sale or rent, price asked and offers received, if any.
 - (g) Any consideration by the owners as to profitable adaptive uses for the property.
 - (h) If the property is income-producing, the annual gross income from the property for the previous **two (2) years**, itemized operating and maintenance expenses for the previous **two (2) years**, and annual cash flow before and after debt service, if any during the same period.
 - (i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
 - (j) Any other information including the income tax bracket of the owner, applicant or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.
- (3) If the Historic Preservation Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed **three (3) months**. During this period of delay, the Historic Preservation Commission shall investigate plans and make

recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property.

Such plans and recommendations may include, but not be limited to: a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

- (4) If by the end of this **three (3) month** period, the Historic Preservation Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Historic Preservation Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Historic Preservation Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship.

(O)

Appeals.

- (1) When a Certificate of Appropriateness or a Certificate of Economic Hardship is approved or denied for either a landmark or a structure within a historic district, the applicant or any interested party may, within **thirty (30) days**, appeal the Historic Preservation Commission's decision to the City Council. The City Council may receive comments on the contents of the record but no new matter may be considered by the City Council. The City Council may affirm the decision or recommend changes by a majority vote of the City Council after due consideration of the facts contained in the record submitted to the City Council by the Historic Preservation Commission. The City Council may overturn the Historic Preservation Commission's decision by a majority vote of the City Council. If the City Council decides that a Certificate of Economic Hardship should be issued, the Secretary of the City Council shall notify the applicant and the Code Enforcement Office within **seven (7) days** of the City Council's decision and the Code Enforcement Office then shall issue the permit within **fifteen (15) days**.
- (2) If the City Council concurs with the Historic Preservation Commission's decision not to issue a Certificate of Economic Hardship, the Secretary of the City Council shall notify the applicant and the Code Enforcement Office within **seven (7) days**.

(P) **Natural Destruction or Demolition.** In the case of partial or complete natural destruction or demolition of a site within a Historic Preservation District or of a landmark, the owner will be required to obtain a Certificate of Appropriateness from the Historic Preservation Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

- (1) The exterior design of the structure prior to damage, and
- (2) The character of the Historic Preservation District.

(Q) **Fees and Penalties.** The Historic Preservation Commission may establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated landmark or designated historic district without a Certificate of Appropriateness shall be guilty of an ordinance violation and upon conviction thereof shall be punished by a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**. Every day such violation shall continue to exist shall constitute a separate violation. The Historic Preservation Commission may institute any appropriate action or proceeding in the name of the City to enjoin, correct or abate any violation of this Code.

(R) **Publication.** A full, true and complete copy of this ordinance shall be published once within **thirty (30) days** after adoption in pamphlet form by authority of the City Council.

(S) **Effective Date.** All ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and this ordinance be in full force and effect immediately and forthwith upon its adoption, approval and publication as provided by law.

(Ord. No. 06-07; 04-11-06)

**(Unless Otherwise Noted, Ord. No. 97-25; 12-09-97)
(See 65 ILCS Sec. 5/11-48.2-1)**